

requirement because allowance of claim 1 would automatically facilitate allowance of the Group II claims 15-28 in addition to the remaining Group I claims.

Applicants also disagree with the Examiner's reasoning that a chewing gum product of claim 1 made by extrusion is "materially different" than a product made according to the method of claims 15-37. Claim 15 recites the "forming" of a first mass of chewing gum into a slab with a generally flat surface, and the "forming" of at least one piece of a second mass of confectionery material. Clearly, both components could be "formed" by extrusion, and still fall within the scope of this claim. In fact, claims 29-37 specifically recite that the components are made by extrusion. Therefore, the restriction requirement regarding Groups I and II is improper and should be withdrawn.

The restriction requirement as to Groups I (claims 1-14) and III (claims 38-50) is respectfully traversed. The Examiner bases the restriction requirement on the conclusion that the claimed apparatus (claims 38-50) can be used to make ornamental clay constructions. This is contrary to the express language of claim 38, which recites, inter alia:

- a) means for forming a first mass of chewing gum
 . . .
- b) means for placing at least one piece of a
 second mass of a confectionery material in
 contact with . . . said first mass . . .
- c) means for cutting said generally flat sheet
 into pieces of chewing gum having the desired
 size and shape . . . (underlines supplied).

There is no reason why anyone ever could or would use this apparatus to process clay. If clay were substituted for the chewing gum recited in a), the product

would be unchewable because clay is made from dirt, which contains bacteria and cannot be placed in the mouth. Similarly, if clay were substituted for the confectionery material recited in b), the product would be unchewable and inedible. Finally, there is no reason why anyone ever would want to form ornamental clay into the size and shape of a chewing gum product (for example, a chewing gum stick or tablet) as recited in c). Therefore, the restriction requirement is improper and should be withdrawn.

The restriction requirement as to Groups II (claims 15-37) and III (claims 38-50) is respectfully traversed for the same reasons stated above with respect to Group I and III. For the same reason that nobody could or would use the claimed apparatus for making a clay product, the apparatus would never be used to practice a claymaking process. This restriction requirement is also improper and should be withdrawn.

Reconsideration and withdrawal of all of the restriction requirements is respectfully requested.

Respectfully submitted,

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